

REMARKS / DISCUSSION OF ISSUES

Claims 1-29 are pending in the application, where claim 29 has been added by means of the present amendment, and claims 1, 8, 15 and 22 are independent.

Applicants respectfully request the Examiner to acknowledge the claim for priority.

By means of the present amendment, the current Abstract has been deleted and substituted with the enclosed New Abstract which better conforms to U.S. practice.

The Office Action objects to claim 28 for a certain informality. In response, claim 28 has been amended in accordance with the Examiner's suggestions. Accordingly, withdrawal of the objection to claim 28 is respectfully requested.

The Office Action rejects claim 20 under 35 U.S.C. §112, second paragraph. In response, claim 20 has been amended to remove the alleged informality noted in the Office Action. It is respectfully submitted that the rejection of claim 20 has been overcome and an indication as such is respectfully requested.

The Office Action rejects claims 1, 8, 15 and 22 under 35 U.S.C. §102(e) over U.S. Patent Application Publication 2001/0054181 (Corvin) and rejects claims 2-3, 9-10, 16-17 and 23-24 under 35 U.S.C. §103(a) over Corvin in view of U.S. Patent Application Publication 2007/0067800 (Wachtfogel). Claims 4-6, 11-13, 18-20 and 25-27 are rejected under 35 U.S.C. §103(a) over Corvin in view of Wachtfogel and U.S. Patent 6,993,727 (De Ceulaer). Further, claims 7, 14, 21 and 28 are rejected under 35 U.S.C. §103(a) over Corvin in view of Wachtfogel, De Ceulaer and U.S. Patent 5,943,605 (Koepele). It is respectfully submitted that claims 1-29 are patentable over Corvin, Wachtfogel, De Ceulaer and Koepele for at least the following reasons.

In rejecting claim 4 on page 14 of the Office Action, it is alleged that paragraph [0182] of Wachtfogel discloses release of exclusive control. Paragraph [0182] of Wachtfogel specifically recites that:

the parameter disabling the option of "fast-forwardfast-backward" when the commercial is displayed may be employed only until the user has seen the commercial a predetermined number of times in a predetermined time period, such as a week, or a predetermined number of commercials in the predetermined time period. (Emphasis added)

Thus, disabling is released after the user has seen a commercial a number of time, or has seen a number of commercials, in a predetermined time period.

In stark contrast, the present invention as recited in independent claim 1, and similarly recited in independent claims 8, 15 and 22, amongst other patentable elements recites (illustrative emphasis provided):

preventing a viewer of a video program with advertisements from switching from a first channel to a second channel when an advertisement is displayed on said first channel in response to a first control signal and allowing the switching in response to a second control signal, the second control signal being provided at an end of the video program.

It is respectfully submitted that Corvin, Wachtfogel, and combination thereof, do not disclose or suggest allowing channel switching in response to a second control signal provided at the end of the video program, as recited in independent claims 1, 8, 15 and 22. De Ceulaer and Koepele are cited to allegedly show other features and do not remedy the deficiencies in Corvin and Wachtfogel.

Accordingly, it is respectfully submitted that independent claims 1, 8, 15 and 22 are allowable. In addition, claims 2-7, 9-14, 16-21 and 23-29 are allowable at least because they depend from independent claims 1, 8, 15 and 22, as well as for the separately patentable elements contained in each of the dependent claims.

For example, claims 5, 12, 19 and 26 recite preventing an application from obtaining exclusive control, which is nowhere disclosed or suggested in Corvin, Wachtfogel, De Ceulaer and Koepele, alone or in combination. Paragraph [0169] of Wachtfogel merely discloses that a commercial may have attributes which prevent

skipping the commercial without viewing it. This has nothing to do with preventing exclusive control and thus allowing the user to skip commercials.

Further, Corvin, Wachtfogel, De Ceulaer, Koepele, and combinations thereof, do not disclose or suggest sending a payment authorization from the viewer to a program broadcaster to authorize the viewer to switch channels during a display of an advertisement, as recited in claims 7, 14, 21 and 28. Rather, Koepele merely discloses on column 2, lines 44-48 that out of band signals can be used for transmitting billing information to the serve in order to receive a pay per view video program, or controlling the playback (e.g., reverse, fast forward) of a video stream. Such disclosure in no way teaches or suggests sending a payment authorization from the viewer to authorize the viewer to switch channels during an advertisement, as recited in claims 7, 14, 21 and 28.

In view of the foregoing, applicants respectfully request that the Examiner withdraw the rejections of record, allow all the pending claims, and find the application in condition for allowance. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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